

REMARKS

Reconsideration of this application in view of the above amendments and the remarks below is respectfully requested. Claims 1, 23, 24, 26-28, 30, and 31 are amended herein. No claims are cancelled or added. Hence, Claims 1-13, 15-19, and 23, 24, 26-28, 30, and 31 are pending.

I. ISSUES RELATED TO CITED REFERENCES

A. 35 USC 102(e) – *WALKER*

Claims 1-3, 7, 8-13, 23, 24, 26-28, and 30 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Walker et al., U.S. Patent No. 6,138,106 (hereinafter "*Walker*"). It is respectfully submitted that Claims 1-3, 7, 8-13, 23, 24, 26-28, 30 are patentable over *Walker* for at least the reasons provided hereinafter.

Claim 1

Present Claim 1 is directed to a method of processing an electronic stored value certificate, and recites, among other things:

receiving and storing certificate information that identifies a recipient of the certificate, a recipient address, and an amount of the electronic stored value certificate;...

storing an initial face value of the electronic stored value certificate, determining a new face value by reducing the initial face value of the electronic stored value certificate by a portion of the initial face value in response to receiving information indicating redemption at the merchant of the portion of the initial face value for goods or services, and

storing the new face value of the electronic stored value certificate; displaying the new face value of the electronic stored value certificate to the recipient;

repeating the steps of determining, storing, and displaying the new face value in response to successively received redemption information until the new face value of the electronic stored value certificate is zero;

It is respectfully submitted that Claim 1 recites one or more features that are not disclosed by *Walker*. For example, Claim 1 recites that certificate information that identifies a recipient of

the certificate, a recipient address, and an amount of the electronic stored value certificate is received and stored. Claim 1 also recites that the new face value of the electronic stored value certificate is displayed to the recipient of the certificate. Claim 1 further recites that displaying the new face value of the electronic stored value certificate to the recipient is among one of several steps that are repeated. It is respectfully submitted that these features are not disclosed by *Walker*.

Walker describes a technique for redeeming concealed value gift certificate with concealed value products (*see, e.g.*, Abstract). The technique described by *Walker* allows a buyer/customer to purchase a gift certificate that is in the form of a gift certificate code, that may be distributed to a redeemer/recipient with the value concealed from the redeemer/recipient, and that can be used by a redeemer of the gift certificate to purchase products at or under the concealed value (*see* 128 and 130 of FIG. 7A; 146 of FIG. 7B; 154 of FIG. 7C). The processes in which the gift certificate code may be used by the redeemer are described in FIGS. 8A-C of *Walker*. The certificate server only displays products that are at or below the value of the gift certificate code. No initial value and no remaining balance of the gift certificate are displayed to the redeemer (*Id.* at 166 of FIG. 8A).

As disclosed, in *Walker*, recipient information is not provided when a gift certificate code is purchased by the buyer/customer. Furthermore, both the initial value and subsequent values of the gift certificate code are not shown to the redeemer/recipient.

The Office Action asserts that the Claim 1 features “receiving and storing certificate **information that identifies a recipient of the certificate**, a recipient address, and an amount of the electronic stored value certificate” (emphasis added) are taught in *Walker* at Abstract; FIG. 7A, FIG. 7B, and FIG. 7C. Respectfully, this is an incorrect characterization of *Walker* and Claim 1. This portion of *Walker* only describes that a buyer/customer provides buyer/customer

information. There is no indication that the buyer of the gift certificate code specifies **redeemer/recipient information** that identifies a redeemer/recipient of the certificate, as recited in Claim 1.

Furthermore, as noted supra, *Walker* at Col. 3, lines 10-11 emphatically states “[a]nother **object** of the invention is to provide such a the redemption process for processing gift certificates such that the **redemption of the certificate is completed without the exact value of the certificate being known to the redeemer**” (emphasis added). Thus, *Walker* explicitly teaches away from using the technique in a way that the value of the gift certificate is displayed to the redeemer. It is therefore respectfully submitted that at least the Claim 1 features “displaying the new face value of the electronic stored value certificate to the recipient” and “repeating the steps of determining, storing, and displaying the new face value in response to successively received redemption information until the new face value of the electronic stored value certificate is zero” are also not taught or suggested by *Walker*.

It is therefore respectfully submitted that Claim 1 recites one or more features that are not taught or suggested by *Walker* and is therefore patentable over *Walker*.

Claims 23, 24, 26-28 and 30

Independent Claims 23, 24, 26-28, and 30 each recite similar features as those discussed above with respect to Claim 1. Consequently, it is respectfully submitted that Claims 23, 24, 26-28, and 30 are patentable for at least the same reasons discussed above as to Claim 1.

Claims 2, 3, 7, and 8-13

Each of dependent Claims 2, 3, 7, and 8-13 contains all the features of Claim 1 discussed above and is patentable for the same reasons discussed above with respect to Claim 1. Further, dependent Claims 2, 3, 7, and 8-13 contain features that individually render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not

included at this time. For all the foregoing reasons, Applicants respectfully submit that Claims 2, 3, 7, and 8-13 are allowable over *Walker*.

B. 35 USC 103(a) – *WALKER*

Claims 4-6, 15-19 and 31 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *Walker*. This rejection is respectfully traversed.

Independent Claim 31

Independent Claim 31 recites similar features as those discussed above with respect to Claim 1. Consequently, it is respectfully submitted that Claim 31 is patentable for at least the same reasons discussed above as to Claim 1.

Claims 4-6 and 15-19

Each of dependent Claims 4-6 and 15-19 contains all the features of Claim 1 discussed above and is patentable for the same reasons discussed above with respect to Claim 1. Further, dependent Claims 4-6 and 15-19 contain features that individually render them patentable. Due to the fundamental differences already identified, a separate discussion of those features is not included at this time.

In rejecting Claims 15-17, the Official Action states:

Official Notice is taken that it is old and well-known for companies to provide employee rewards or for merchants to provide loyalty values in the form of reward certificate. It would have been obvious to one skilled in the art at the time the invention was made to use the *Walker* system as a vehicle to effect providing such loyalty or reward values. It is also well-known to impose conditions, such as the claimed limitations above, usually for co-branding purposes or to promote sales of a sponsoring merchant. Thus it would have been obvious to a PHOSITA to impose the above claimed conditions to the *Walker* system to achieve the above co-branding, or sales promotion goals.

The Official Notice does not address all features of Claims 4-6 and 15-19 and therefore the Official Action fails to make a prima facie case of unpatentability based on the official notice.

Furthermore, according to MPEP, “Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known” (2144.03.A). Applicants respectfully request/demand that support be provided as to why the alleged fact taken under the Official Notice is well known in the art or capable of instant and unquestionable demonstration.

Similarly, in rejecting Claims 18 and 19, the Official Action states:

Official Notice is taken that taxes are often added to a purchase price and also it is customary to include shipping and handling charges. Thus when necessary, they obviously would have been added to a Walker’s purchase by a PHOSITA.

Applicants respectfully request/demand that support be provided as to why the alleged fact taken under the Official Notice is well known in the art or capable of instant and unquestionable demonstration.

For all the foregoing reasons, Applicants respectfully submit that Claims 4-6 and 15-19 are allowable over *Walker*.

II. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a law firm check for the petition for extension of time fee is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Dated: 11/19, 2007

/ZhichongGu#56,543/
Zhichong Gu
Reg. No. 56,543

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Tel: (408) 414-1080
Fax: (408) 414-1076